

C O P Y

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ER 0-6979

FILE NO. OSOPA 210.31 SUBJECT: Status of Reserve Personnel Utilized by
Central Intelligence Agency

To: Dir/Central Intelligence From: Civ Comps Br., READ, GSUS 11 Oct. 1949
Lt Col Pitts/71284/no

1. Public Law 297 recently enacted by Congress established July 1, 1949, as the date on which reservists are required to commence the earning of points for retirement purposes as set forth in Public Law 810. This action credits each reservist with 50 points for each year of membership in the Reserve prior to this date except for those individuals transferred to the Inactive Reserve section who are deemed not to be in Federal Service and are not eligible to receive retirement points. Public Law 810 in establishing the retirement benefit provisions specifies that an individual must be a member of the Active Reserve and participate in military functions for at least 2 hours Reserve duty training or its equivalent in any one day in order to be credited with a retirement point and this requirement has been construed as precluding the awarding of a point for any one day to any reservist while performing duties in his civilian capacity even though he is a reservist in the Active Reserve.
2. It will be observed from the above that the two individuals referred to are not eligible under the cited Acts to be granted any points while being in the Inactive section of the Reserve.
3. It would appear from the attached memorandums that the action taken to transfer these individuals to the Inactive Reserve was taken in May 1949 which indicates that from that time until they are reinstated in the Active Reserve they are not eligible to receive any retirement points. Further it will be necessary after reinstatement in the Active Reserve for these individuals to earn both retention and retirement points as established in current directives for the balance of the Fiscal Year 1950 in order to remain in the Active Reserve and to obtain a satisfactory year for retirement benefits.
4. This Division can administratively transfer these individuals to the Active Reserve without prejudice and with only such accumulative rights and benefits as are permissible by law and/or regulations provided they meet current standards.
5. In order to partially protect the retirement benefit rights of such individuals in the future it might be well to consider the desirability of retaining such individuals in the Active Reserve similar to the action taken for reservists residing in foreign countries who are retained therein pending their return to the United States during which time they would be credited 15 points each year for membership in the Active Reserve, however, as pointed out they can only get a satisfactory year for retirement purposes (50 points) by earning in a military capacity the additional 35 points required by law.

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6. In view of the remarks made in paragraph 3 of attached memorandum, the above explanation has been made in order to clarify the awarding of retirement points. With the return of your memorandums as modified by this Disposition Form action will be taken to transfer the two individuals referred to from the Inactive to Active Reserve in accordance with paragraph 4 above.

FOR THE DIRECTOR OF PERSONNEL AND ADMINISTRATION:

/s/

B. M. MCFADYEN
Colonel, USC
Chf, MIL Pers Mgmt Gp

2 Incls.

1. Central Int Agency Memo
to TAG, Attn: DP&A, Subj:
Capt. [REDACTED], ML-Pers
29 Sep 49

25X1A

2. Central Int Agency Memo
to TAG, Attn: DP&A, subj:
Lt. Col [REDACTED], ML-Pers
29 Sep 49

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ORIGINAL DOCUMENT MISSING PAGE(S):

Attachments missing (Attachment A thru D Not Found)